



POLICE DEPARTMENT

June 3, 2011

MEMORANDUM FOR: Police Commissioner

Re: Sergeant Nicholas Kuliecza
Tax Registry No. 904301
Fleet Services Division
Disciplinary Case Nos. 85935/09, 86487/10 & 2010-1901

The above-named member of the Department appeared before me on January 20, 2011, and April 14, 2011,¹ charged with the following:

Disciplinary Case No. 85935/09

1. Said Sergeant Nicholas Kuliecza, assigned to the 9th Precinct, while off-duty, on or about September 10, 2008, in New York County, did engage in conduct prejudicial to the good order, efficiency or discipline of the Department, in that said Sergeant, when involved in an off-duty incident, did fail to immediately call 911.

P.G. 203-10, Page 1, Paragraph 5 GENERAL REGULATIONS

2. Said Sergeant Nicholas Kuliecza, assigned to the 9th Precinct, while off-duty, on or about September 10, 2008, in New York County, did engage in conduct prejudicial to the good order, efficiency or discipline of the Department, in that said Sergeant, while involved in an off-duty dispute with Asenso Mensah, did remove property, to wit, a cell phone, from the vehicle of Asenso Mensah, without the permission of said person.

P.G. 203-10, Page 1, Paragraph 5 GENERAL REGULATIONS

3. Said Sergeant Nicholas Kuliecza, assigned to the 9th Precinct, while off-duty, on or about September 10, 2008, in New York County, did engage in conduct prejudicial to the good order, efficiency or discipline of the Department, in that said Sergeant, while involved in an off-duty dispute with Asenso Mensah, did have physical contact with said person.

P.G. 203-10, Page 1, Paragraph 5 GENERAL REGULATIONS

¹ The Assistant Department Advocate requested that the trial be adjourned from January 20 until April 14 because Department witness Asenso Mensah was out of the country from January through March, 2011.

Disciplinary Case No. 86487/10

1. Said Sergeant Nicholas Kuliecza, assigned to Housing Bureau Bronx/Queens, while off-duty, on or about December 24, 2009, in New York County, did engage in conduct prejudicial to the good order, efficiency or discipline of the Department, in that said sergeant, was wrongfully involved in a physical altercation with Person A Person A wherein said sergeant did slap and/or pull the hair of Person A

P.G. 203-10, Page 1, Paragraph 5 GENERAL REGULATIONS

2. Said Sergeant Nicholas Kuliecza, assigned to assigned to Housing Bureau Bronx/Queens, while off-duty, on or about December 24, 2009, in New York County, did engage in conduct prejudicial to the good order, efficiency or discipline of the Department, in that said sergeant, having been involved in a domestic dispute, did thereafter neglect to report said incident, as required.

P.G. 212-32, Page 1, Paragraphs 1-2 OFF DUTY INCIDENTS

Disciplinary Case No. 2010-1901

1. On or about March 29, 2009, while on duty, within the 9th Precinct stationhouse, said Sergeant Kuliecza, while assigned as Desk Officer, did fail to insure that his subordinate did properly utilize the property index (PD 542-103) to determine what property had been invoiced and compare the property against the corresponding property clerk's invoices (PD 521-141), as required.

P.G. 202-14, Page 1, Paragraph 8(a) – DESK OFFICER

The Department was represented by Scott Rosenberg, Esq., Department Advocate's Office, and the Respondent was represented by John D'Alessandro, Esq.

The Respondent, through his counsel, entered a plea of Guilty to one of the subject charges and a plea of Not Guilty to the remaining charges. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

Disciplinary Case No. 85935/09

The Respondent is found Guilty of Specification Nos. 1 and 2. The Department moved to Dismiss Specification No. 3.

Disciplinary Case No. 86487/10

The Respondent is found Guilty.

Disciplinary Case No. 2010-1901

The Respondent, having pleaded Guilty, is found Guilty.

SUMMARY OF EVIDENCE PRESENTED

The Department's Case

The Department called Sergeant Joseph Castro, Captain Frank Sorensen, Sergeant John Dandola and Asenso Mensah as witnesses.

Sergeant Joseph Castro

Castro, who is assigned to Patrol Borough Manhattan South Investigations Unit, recalled that he was on duty on the night of December 24, 2009, and that at 0100 hours on December 25, 2009, he, Captain Frank Sorensen, and Sergeant Lawrence conducted a tape-recorded interview of Person A at the 13 Precinct [Department Exhibit (DX) 2].

At this interview (DX 2), Person A stated that at about 1930 hours on December

24, 2009, she and the Respondent were inside [REDACTED] Manhattan, where they lived with their three-year-old daughter [Minor B]. The Respondent picked up his cell phone and began laughing at [Person A] and taunting her that he was going to send a text message to his new girlfriend [Person C]. She begged him not to do this because he had promised her that he would spend Christmas Eve with [Minor B]. As he held up his phone, she reached for it, lost her balance, fell into him and accidentally poked him in the eye with her finger. She told him she was sorry. She did not see any redness in his eye. The Respondent slapped her once on her face and pulled her by the hair on her head causing hair to be pulled out of her scalp. [Person A] stated that at 2000 hours, she left the apartment with [Minor B] who was in her pajamas, and went to the 13 Precinct arriving just before 2100 hours.

The parties stipulated that a Domestic Incident Report (DIR) was prepared (DX 1) and that in the "Statement of Allegations/Supporting Deposition" section [Person A] wrote out her allegation that the Respondent slapped her face and pulled her by her hair.

Castro testified that, at his second official Department interview, the Respondent was asked if he had reported that he had been involved in a domestic incident on the night of December 24, 2009, and he answered that he had not reported this incident.

On cross-examination, Castro testified that he was not aware that later during that day on December 25, 2009, [Person A] had returned to the 13 Precinct and attempted to recant the statements she had made at her tape-recorded interview (DX 2) and in the statement that she had handwritten in the "Statement of Allegations/Supporting Deposition" section of the DIR (DX 1).

Captain Frank Sorensen

Sorensen, who is assigned to the 13 Precinct as the Executive Officer, recalled that he was on duty on the night of December 24, 2009, and that at 0100 hours on December 25, 2009, he, Castro, and Sergeant Lawrence conducted an interview of **Person A** at the 13 Precinct.

Person A told them that the Respondent had slapped her once on her face and pulled her by her hair. Sorensen recalled that **Person A** was upset and crying and she expressed that she was in fear of the Respondent. She showed him a mark on her scalp where her hair had been pulled out. Sorensen observed redness on her scalp and redness on the side of her face below her ear. He also saw loose strands of hair on her head and loose strands of hair on her clothing. This loose hair appeared to him "like pulled out." Sorensen found **Person A** to be credible.

Sorensen testified that **Person A** "was worried about getting" the Respondent "in trouble with the job" and that "she didn't want him to lose his job." He told her that because she had told him that the Respondent had slapped her and pulled her hair during a "domestic," he could not let her walk out of the 13 Precinct because he had to conduct an investigation.

On cross-examination, Sorensen testified that he left the 13 Precinct at about 0700 hours on December 25, 2009, and he was not told that later that day **Person A** had returned to the 13 Precinct and that she had attempted to recant the statements she had made at her interview and what she had written in the "Statement of Allegations/Supporting Deposition" section of the DIR.

Sergeant John Dandola

Dandola, who is assigned to the Manhattan North Investigations Unit, recalled that he was on duty on September 10, 2008, and that he responded to the 19 Precinct where he conducted an official Department interview of the Respondent with regard to a dispute he had that day with a cab driver. The Respondent told Dandola that he had not called 911 because he did not get the opportunity to do so.

Dandola testified that Department procedures require that an off-duty officer who is involved in an off duty incident and is taking police action must call 911 immediately. Dandola confirmed that Department procedures do not permit an off-duty officer to take possession of a person's cell phone for the purpose of preventing the person from leaving the scene of an incident.

On cross-examination, Dandola confirmed that the Respondent had told him that the dispute he had with the cab driver had started because he believed that the cab driver had crashed into the rear of his car and that because the cab had not stopped, he had cut the cab off with his car and then asked the driver for his identification.

Dandola agreed that it constitutes a violation of the Vehicle and Traffic Law (VTL) if the driver of a car that has crashed into another car leaves the scene of the accident. Dandola confirmed that the Respondent had told him that he was going to call 911 when he saw a Radio Motor Patrol car (RMP) and flagged it down. Dandola testified that he did not interview the two officers in the RMP who were flagged down by the Respondent. Dandola confirmed that the Respondent had told him that the cab driver had been driving erratically.

Asenso Mensah

Mensah, who has been employed as “a yellow cab driver” for the past 12 years and who drives his taxi cab 12 hours a day, six days a week, recalled that on September 10, 2008, at about 5:50 p.m., he picked up a fare who wanted to be driven to 79 Street and Second Avenue, Manhattan. As Mensah was driving on 79 Street, a white car that was behind and to the side of his cab and that was trying to enter the lane that Mensah’s cab was in, got stuck behind a double-parked car. The driver of the car (who was stipulated to be the Respondent) then pulled up next to Mensah’s cab and told Mensah that he had just cut him off. Mensah told the Respondent that he had not meant to cut him off and that if he did he was sorry. The Respondent told Mensah, “Fuck you. I will report you to TLC (Taxi and Limosine Commission).” Mensah responded, “Fuck you too.” The Respondent then reached into his pocket, pulled out a shield, displayed it to Mensah and told him to pull his cab over. Mensah could not pull his cab over immediately because they were in the middle of an intersection. After passing through the intersection, Mensah pulled his cab over to the curb and the Respondent pulled his car in front of Mensah’s cab.

The Respondent got out of his car, approached the cab and told the passenger in the cab that his ride was free and that he should go. The passenger got out of the cab and walked away without having paid Mensah. The Respondent told Mensah that he was going to arrest him. The Respondent told Mensah to produce his trip sheet, his rate card and his license. As Mensah reached into his bag on the front passenger’s seat to take out his license, the Respondent opened the driver’s door, reached into the cab and picked up Mensah’s cell phone which was in a holder on the dashboard. As the Respondent

removed Mensah's cell phone from the cab, his elbow accidentally came in contact with Mensah's neck. Mensah saw some drivers stop their cars and get out of their cars. About ten of these drivers "ran to my rescue." Mensah turned and saw a marked police car at the rear of his cab. Officers approached the cab and got the Respondent "out from my car." Mensah tried to tell the officers that the Respondent "had a handcuff in his hand." When Mensah told the officers that the cell phone was his, the officers took it from the Respondent and gave it back to him. The Respondent did not tell Mensah that his cab had hit his car. Mensah denied that he had been driving erratically.

On cross-examination, Mensah was confronted with statements he made to Department investigators when he was interviewed regarding this incident. When Mensah was asked why he had only told his interviewers that the Respondent wanted to enter his lane and not that the Respondent had gotten stuck behind a double-parked car, Mensah testified that now that he was "in court" he wanted to mention the double-parked car to explain why the Respondent had wanted to enter his lane. Mensah was also confronted with a statement he made to his interviewers that when the Respondent told Mensah that he had cut him off, Mensah had only replied, "I'm sorry, I didn't see you." Mensah explained that he had not stated to the Department investigators that he had also told the Respondent that he had not meant to cut him off because his interviewers had only asked him, "Did you cut him off?" and he had responded, "No." Mensah testified that "there was no way that I cut the man off." Mensah confirmed that when his interviewers asked him if he believed that the Respondent was trying to steal his cell phone he answered, "No."

The Respondent's Case

The Respondent called Person A as a witness and testified in his own behalf.

Person A

Person A who is employed as the manager for a Hedge Fund, testified that although she and the Respondent had argued on the night of December 24, 2009, she lied to Sorensen at her interview that night when she told him that the Respondent had slapped her on the face and pulled her hair (DX 2) and that she had repeated these lies in the handwritten statement that she wrote out in the "Statement of Allegations/Supporting Deposition" section of the DIR (DX 1). Person A testified that she only made these false claims that the Respondent had slapped her on the face and pulled her hair because she was angry at him for having cheated on her. Person A testified that the recantation she made when she came back into the 13 precinct on December 25, 2009, was truthful.

The Respondent

With regard to Disciplinary Case No. 85935/09, the Respondent testified that as he was driving on 79 Street, Manhattan, on September 10, 2008, he saw a yellow cab being driven erratically and that the cab "hits me in the back." He pulled his car up next to the cab and identified himself. He told the cab driver, "What's wrong with you? You just can't hit someone and drive off!" He told the cab driver, "I want you to pull over because I'm going to get the police and I do want to report you to the TLC." He did not know at that point whether there was any damage to his car or to the cab. The cab driver

tried to drive away. He blocked the cab with his car by parking in front of the cab at a 45 degree angle. When he asked for the cab driver's license, he was told "I'm not giving you anything. You're not TLC." The Respondent testified that he had his shield around his neck, not in his hand. He told the cab driver that he could not leave and that "we're gonna wait until the police come." When the driver reached into the passenger seat, he opened the driver's door to see if he was reaching for a weapon. When the driver refused to turn off the ignition, he reached into the cab and tried to turn it off but the driver pushed his hand away. He then reached in and removed the driver's cell phone from the cab. He told the driver, "You will get this back when the police officers arrive. You are not free to leave. I'm detaining you until the police come."

The Respondent testified that the cab driver was "in custody" and that he took his cell phone "to use as a tool" to get "leverage" on the cab driver in order to "to stop him from fleeing the scene." The Respondent flagged down an RMP he saw passing by. The Respondent testified that he did not reach into his car to pick up his cell phone to call 911 because it had fallen to the floor when his car was hit in the rear and he was not sure where it was. The Respondent also testified that it was tactically unsafe for him to turn his back on the cab driver.

With regard to Disciplinary Case No. 86487/10, the Respondent testified that during their argument on the night of December 24, 2009, **Person A** had hit him and that she also sat down on top of him. The Respondent denied that he had slapped her on her face or that he had pulled her hair. The Respondent testified that he did not report that he had been involved in a domestic incident on December 24, 2009, because their altercation was so minor that he believed that he was not required to report such an incident.

With regard to Disciplinary Case No. 2010-1901, the Respondent recalled that on March 29, 2009, he was on duty assigned as the Desk Officer for the 9 Precinct. He admitted that he failed to insure that an officer properly utilized the property index (PD 542-103) to determine what property had been invoiced and to compare the property index against the corresponding property clerk's invoices (PD 521-141). The Respondent testified that four other uniformed members of the service were also charged in this incident and that each of these members had received a Command Discipline and each had forfeited two days as a penalty.

FINDINGS AND ANALYSIS

Introduction

This trial concerned three separate incidents: Two off-duty incidents and one on-duty incident. One of the off duty incidents involved a street interaction between the Respondent and Asenso Mensah, a cab driver, on September 10, 2008. The other off-duty incident involved an altercation on December 24, 2009, between the Respondent and his then- [REDACTED] Person A [REDACTED] which took place inside the apartment where they lived together. The on-duty incident involved the Respondent's failure to properly perform his duties while assigned as the Desk Officer at the 9 Precinct on March 29, 2009.

Disciplinary Case No. 85935/09

Specification Nos. 1 and 2

It is charged that the Respondent, while off-duty, on September 10, 2008, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, in

that when he became personally involved in an off-duty incident with Mensah he failed to immediately call 911 and he removed a cell phone from Mensah's vehicle without Mensah's permission.

I find the Respondent Guilty of Specification Nos. 1 and 2 based on his own testimony.

With regard to Specification No. 1, the Respondent acknowledged that he took police action while he was off-duty regarding an incident in which he was personally involved in that he blocked Mensah's cab with his car and removed Mensah's cell phone from the cab because he believed that Mensah's cab had crashed into the rear of his car.

Thus, although the Respondent should have immediately called 911 and requested the response of on duty officers to the scene, he did not call 911. I reject the Respondent's claim that he did not reach into his car to pick up his cell phone so that he could call 911 because he truly believed that it was "tactically unsafe" for him to turn his back on Mensah. I find that the Respondent could have safely retrieved his cell phone from his car and called 911. The Respondent admitted that he told Mensah that "we are waiting for the police" even though the Respondent had not called to request that police respond to the scene. The fact that the Respondent flagged down an RMP that happened to be in the vicinity does not negate his failure to call 911 and report that he was personally taking police action while off-duty.

With regard to Specification No. 2, the Respondent acknowledged that he took Mensah's cell phone out of Mensah's vehicle and held onto it. The Respondent's explanation for why he did this does not justify his action. The Respondent asserted that Mensah was in his custody and that he took Mensah's cell phone out of his cab to use as

a “tool” to obtain “leverage” over Mensah and thereby prevent Mensah from “fleeing the scene.”

However, the Respondent’s action of pulling his own car in front of Mensah’s cab at a 45 degree angle effectively blocked Mensah’s cab and prevented him from driving away from the scene. Thus, the only way that Mensah could have fled the scene was by getting out of his cab and running away on foot. Under the circumstances presented here, the Respondent had no right to remove any item of Mensah’s personal property from his vehicle.

The Respondent is found Guilty of Specification Nos. 1 and 2.

Specification No. 3

The Department moved to dismiss this charge that the Respondent had physical contact with Mensah. The Assistant Department Advocate conceded that since Mensah had stated that the Respondent’s only physical contact with him consisted of the Respondent’s elbow accidentally making contact with Mensah, the Department could not prove this charge.

It is recommended that Specification No. 3 be Dismissed.

Disciplinary Case No. 86487/10

Specification No. 1

It is charged that the Respondent, while off-duty on December 24, 2009, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, in that he was wrongfully involved in a physical altercation with **Person A** during which he

slapped her and/or pulled her hair.

At the recorded interview of Person A that Sorensen conducted on the night of this incident (DX 2), and in the handwritten statement that she wrote in the "Statement of Allegations/Supporting Deposition" section of the DIR (DX 1), Person A stated that during their domestic dispute, the Respondent slapped her on the face and pulled her hair.

Later on December 25, 2009, Person A re-entered the 13 Precinct and attempted to recant the statement she had made only hours before. In her testimony at this trial, she repeated this recantation.

Thus, the question presented here is whether Person A told the truth when she alleged that the Respondent had slapped her on the face and pulled her hair.

I credit Person A initial statement that the Respondent slapped her on the face and pulled her hair and I reject her recantation.

I credit Person A statement because the limited physical force she described the Respondent as using against her shows that her statements to Sorensen were devoid of suspect embellishment. Person A told Sorensen that the Respondent had slapped her once on her face. If Person A was inventing a false accusation because she wanted to get back at him for laughingly taunting her that he was going to text his new girlfriend Person C it is likely that she would have claimed that he had slapped her more than once. As a result, Person A statement has the ring of truth.

The believability of Person A's statement to Sorensen is further enhanced by the fact that she admitted that when she reached for his phone, she fell into him and accidentally poked him in the eye with her finger. Person A candidly volunteered that this had happened, even though she did not see any redness in his eye and, thus, could

have omitted telling Sorensen that she had poked him in the eye (DX 2 pages 3-4).

The believability of Person A's statement to Sorensen is also supported by her post-incident outreach action of leaving her residence on Christmas Eve with her pajama-clad child and going directly to the 13 Precinct where she immediately reported what the Respondent had done to her.

Most significantly, Person A claim that the Respondent had slapped her on the face and pulled her hair is consistent with her demeanor and with her physical appearance that night. Sorensen testified that Person A was upset and crying, that she showed him a mark on her scalp where her hair had been pulled out, that she had redness on her scalp and redness on the side of her face, and that he saw loose strands of hair within the follicles of hair on her head and loose strands of hair on her clothing that he described as "like pulled out." Sorensen's observations Person A face, scalp and hair constitute independent physical evidence which corroborates her claim that the Respondent had slapped her face and pulled her hair.

Finally, I find that the Respondent's admitted failure to report this incident constitutes evidence which supports Person A claim that during this incident that he slapped her and pulled her hair because her claim provides a motive for his otherwise inexplicable failure to follow proper procedure by reporting this incident.

As to Person A false recantation, I find it significant that Sorensen testified that even as Person A was recounting to him the Respondent's abusive behavior of slapping her and pulling her by the hair, she expressed such concern that her complaint against him might result in him losing his job that he had to tell her that he could not let her walk out of the 13 Precinct because he had to conduct his investigation.

I find that after the initial trauma of what the Respondent had done to her on the night of December 24, 2009, had worn off, Person A concern that her truthful report that the Respondent had slapped her face and pulled her hair could result in him losing his job caused her to return to the 13 Precinct on December 25, 2009, to try to save his job by recanting the allegations she had made against him.

The Respondent is found Guilty.

Specification No. 2

It is charged that the Respondent, while off-duty on December 24, 2009, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, in that having been involved in a domestic dispute with Person A he failed to report this incident as he was required to do.

Even if I found that Person A statement that the Respondent had slapped her and pulled her hair was not credible (which I do not), the Respondent would still be guilty of this charge because he claimed that during his domestic dispute with Person A she hit him and she sat on top of him. Since the Respondent admitted that his altercation with Person A was not purely verbal but, rather, had turned physical, he was required to report this incident and he admitted that he had failed to do so.

As discussed above under Specification No. 1, I find that he decided not to report this incident because he knew that he had slapped her and pulled her hair during this altercation.

The Respondent is found Guilty.

Disciplinary Case No. 2010-1901

The Respondent admitted that on March 29, 2009, while he was on duty assigned as the Desk Officer for the 9 Precinct, he failed to insure that a subordinate properly utilized the property index (PD 542-103) to determine what property had been invoiced and to compare the property index against the corresponding property clerk's invoices (PD 521-141).

The Respondent, having pleaded Guilty, is found Guilty.

PENALTY

In order to determine an appropriate penalty, the Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 N.Y. 2d 222 (1974).

The Respondent was appointed on August 30, 1993. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

The Respondent has been found guilty of engaging in conduct prejudicial to the good order, efficiency or discipline of the Department in that after he became involved in an off-duty incident with a cab driver he failed to call 911 and he removed a cell phone from the cab driver's vehicle without the driver's permission.

The Respondent has also been found guilty of engaging in conduct prejudicial to the good order, efficiency or discipline of the Department, in that during a domestic dispute with his [REDACTED] he slapped her and pulled her hair and he failed to report this incident as he was required to do.

Finally, the Respondent admitted that on March 29, 2009, while he was on duty

assigned as the Desk Officer for the 9 Precinct, he failed to insure that a subordinate properly utilized the property index (PD 542-103) to determine what property had been invoiced and to compare the property index against the corresponding property clerk's invoices (PD 521-141). With regard to this charge, the Respondent offered unchallenged testimony that four other uniformed members were charged regarding this matter and that each of these members received a Command Discipline and each forfeited two days as a penalty.

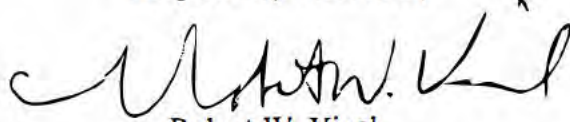
The Advocate recommended that the Respondent forfeit 40 vacation days and that he also be required to serve one year on dismissal probation.

Having examined the facts and circumstances regarding the Respondent's three separate incidents of misconduct here and having also reviewed the Respondent's extensive disciplinary history (which is detailed in the attached Confidential Memorandum), if the Respondent's performance evaluations were poor, I would recommend that the Respondent be immediately Dismissed from the Department. However, the Respondent's performance evaluations show that he has regularly received overall performance ratings of 4.5 and that he has never received an overall performance rating below 4.0.

Therefore, consistent with progressive discipline, it is recommended that the Respondent be DISMISSED from the New York City Police Department; however, this penalty of dismissal will be held in abeyance pursuant to Section 14-115(d) of the NYC Administrative Code for a period of one year, during which time the Respondent will remain on the force at the Police Commissioner's discretion and may be terminated at any time without a further hearing.

It is further recommended that the Respondent forfeit 40 vacation days.

Respectfully submitted,



Robert W. Vinal

Assistant Deputy Commissioner - Trials

APPROVED

APR 18 2012
RAYMOND W. KELLY
POLICE COMMISSIONER

POLICE DEPARTMENT
CITY OF NEW YORK

From: Assistant Deputy Commissioner - Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
SERGEANT NICHOLAS KULIECZA
TAX REGISTRY NO. 904301
DISCIPLINARY CASE NOS. 85935/09, 86487/10 & 2010-1901

The Respondent received an overall rating of 4.0 on his 2010 performance evaluation, 4.5 on his 2009 evaluation, and 4.5 on his 2008 evaluation. He has been awarded one Meritorious Police Duty medal and four Excellent Police Duty medals. [REDACTED]

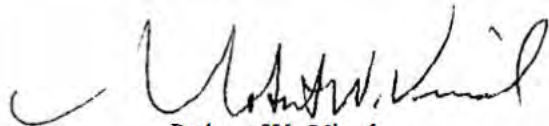
He has an extensive formal disciplinary record. On August 18, 2000, he forfeited 30 vacation days as a penalty to cover multiple charges brought against him in three separate disciplinary cases. In these three disciplinary cases, the Respondent either pleaded guilty or was found guilty of: two Specifications of being discourteous to a sergeant; appropriating and operating a Department scooter without permission and without possessing the required operator's license; crashing the scooter causing damage to the scooter and to a civilian's vehicle; and making discourteous and disrespectful remarks regarding a person's gender while he was standing in roll call.

On June 11, 2004, he forfeited five vacation days as a penalty after he was found guilty of two Specifications of being discourteous and using offensive language.

On August 11, 2004, he was placed in Level I Force Monitoring which ended on October 5, 2006.

On January 27, 2010, he was placed in Level II Discipline Monitoring based on his overall record.

For your consideration.



Robert W. Vinal
Assistant Deputy Commissioner - Trials